

28.08.2024
SL No.22
Court No.29
P.A. - DK
Rejected

CRM (A) 2898 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure corresponding to Section 482 of BNSS, 2023 in connection with Topsia Police Station Case No. 105 dated 30/07/2024 under Sections 120B/408/409/427/467/468/471/474/477A of the Indian Penal Code pending before the Court of Learned Additional Chief Judicial Magistrate, Sealdah at South 24Parganas.

And

In the matter of : **Vishal Sharma.**

- Petitioner.

Mr. Ayan Basu,
Mr. Sandip Kr. Mondal,
Mr. Sumit Routh

.....For the Petitioner

Mr. Jaydeep Biswas,
Mr. Atulya Sinha

....For the State.

Mr. Rajdeep Majumdar,
Mr. Moyukh Mukherjee,
Mr. Sarthak Mondal,

....For the De facto Complainant.

1. Heard the Learned Counsel for the parties. The petitioner claimed to be an employee of Shyam Sel and Power Limited. It is submitted that on the basis of false and fabricated documents the petitioner has been falsely implicated. It is further submitted that the personal mobile and other accessories have been illegally and forcefully taken away by the de facto complainant for which he has lodged the complaint on 12th July, 2024. However, there has been not much progress in the said investigation.

2. The Learned Counsel for the State and the de facto complainant have opposed the prayer for anticipatory bail. Learned Counsel for the State has produced the case diary and few bank statements, prima facie corroborating with the charges of misappropriation levelled against the present petitioner.
3. The Learned Counsel for the de facto complainant has submitted that the petitioner in collusion and conspiracy with other staff have manipulated the accounts and contaminated furnace oil with water and also illegally stealing the original furnace oil that had caused enormous loss and reputation to the de facto complainant.
4. Considering the material available on case diary and the nature and extent of complicity of the petitioner in the commission of the alleged offence, the nature of job with which the petitioner was entrusted, the unethical conduct on the part of the petitioner and also having regard to the fact that the investigation is at a preliminary stage, we are not inclined to grant anticipatory bail to the petitioner.
5. The appeal shall thus be rejected. However, there shall be no order as to costs.

(Soumen Sen, J.)

(Uday Kumar, J.)